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## WAIVER OF SERVICE OF SUMMONS

2001 AUG -6 AM 9:15

TO:

Gregorio A. Vargas  
(Name of plaintiff's attorney or pro se plaintiff)

I acknowledge receipt of your request that I waive service of a summons in the action of Vargas vs. Powell, which is case number CV-01-296 in the United States District Court for the Middle District of Pennsylvania. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for the objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after 7-10-01 (date request was sent), or within 90 days after that date if the request was sent outside the United States.

August 1, 2001  
Date

Signature

Printed/Typed Name:

Title if any:

Address:

FILED  
SCRANTON

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PER

DEPUTY CLERK

For Corporation, if any:

Representing defendant(s) if any:

Michael J. McGovernAssistant CounselPennsylvania Department of Corrections  
Governors Office of General Counsel  
55 Utley Drive  
Camp Hill, PA 17011C.O. Powell  
C.O. Bigelow  
Sgt. Edwin

AO 440 (Rev. 10/93) Summons in a Civil Action

# United States District Court

MIDDLE

DISTRICT OF

PENNSYLVANIA

GREGORIO A. VARGAS,  
Plaintiff

## SUMMONS IN A CIVIL CASE

CASE NUMBER:

1:01-CV-0296  
Judge Caldwell

V.

C.O. POWELL; C.O. BIGALOW:

ST. EDWIN, *John Doe*  
Defendants

TO: (Name and address of defendant)

(SEE COMPL.)

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Gregorio A. Vargas #CS-04471  
P.O.Box 999  
1120 Pike Street Smithfield  
Huntingdon, Pa. 16652

an answer to the complaint which is herewith served upon you, within (twenty) (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Mary E. D'Andrea  
CLERK

July 9, 2001  
DATE

*George T. Gardner*  
(BY) DEPUTY CLERK

George T. Gardner